



U.S. Department of Justice

United States Attorney  
Southern District of New York

The Silvio J. Mollo Building  
One Saint Andrew's Plaza  
New York, New York 10007

February 19, 2021

**BY ECF**

The Honorable Loretta A. Preska  
United States District Judge  
Southern District of New York  
Daniel Patrick Moynihan United States Courthouse  
500 Pearl Street  
New York, NY 10007

**Re: *United States v. Abiola Olajumoke*, 19 Cr. 291 (LAP)**

Dear Judge Preska:

As set forth below, the parties write further to the Court's order of February 12, 2021 (ECF No. 225): (i) to clarify that their February 11, 2021 request (ECF No. 224) to adjourn the previously scheduled status conference of February 19, 2021 was for an adjournment *sine die*; (ii) to confirm their understanding that time in this matter is already excluded from calculation under the Speedy Trial Act until May 25, 2021, the date on which trial is to commence, pursuant to the Court's order of January 8, 2021 (ECF No. 212); and (iii) to request they have until February 26, 2021 (one week from today) to propose, along with counsel for all defendants (in addition to counsel to Mr. Olajumoke), a schedule for briefing motions *in limine*.

**I. Request to Adjourn February 19 Conference *Sine Die***

The parties respectfully clarify that their prior request for an adjournment of the February 19 conference was one *sine die* in light of the parties' understanding that the need for such a conference was mooted by the defendant's decision not to file any pretrial motions.

The Court previously set the deadline for pretrial motions in this case for March 9, 2020. (Minute entry of Jan. 8, 2020). That deadline passed without Mr. Olajumoke (or any other defendant) filing any pretrial motion.

On October 14, 2020, the Court appointed Mr. Olajumoke with new counsel after his previously retained counsel withdrew and, without objection from the Government, gave new counsel leave to make an independent assessment whether to file any pretrial motions. Following the granting of certain adjournments, Mr. Olajumoke was to file any pretrial motions by January 15, 2021, and the parties were then to appear on February 22, 2021 for a status conference. (ECF Nos. 199, 211).

The defendant having not filed any pretrial motion by January 15, 2021, the parties jointly requested on February 11, 2021 that the conference for February 22, 2021 be adjourned. As noted, the Court granted that request the next day with an instruction that the parties confer and file a letter no later than February 19, 2021 (today) stating how they propose to proceed. (ECF No. 225).

For the avoidance of doubt, because the defendant has not filed (and has no plans to file) any pretrial motions, the parties respectfully submit there is no need to convene a status conference for the Government and Mr. Olajumoke's counsel separate and apart from the schedule for all other defendants in this case.

## **II. Exclusion of Time**

Time under the Speedy Trial Act is currently excluded through May 25, 2021, the day on which trial is to commence. (ECF Nos. 192, 212). The parties presently make no request for the exclusion of time beyond May 25, 2021.

## **III. Future Deadlines**

The parties—here, the Government and Mr. Olajumoke—respectfully request they have until February 26, 2021 to confer with counsel to Mr. Olajumoke's co-defendants and propose to the Court a schedule for *in limine* motions and advise the Court of the parties availability for a final pretrial conference. Previously, on January 8, 2020, the Court set a deadline for proposed voir dire and requests to charge of one week before trial, ECF No. 150, at 5-6, and the parties assume those deadlines remain applicable to the May 25 trial date such that proposed voir dire and requests to charge are due on or before May 18, 2021.

Respectfully submitted,

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United States Attorney

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cc: Joshua L. Dratel, Esq. (by ECF)